

Remarks

Applicant acknowledges the allowance of claims 1-17. Applicant respectfully traverses the rejection of independent claims 18 and 21 and submits that claims 18 and 21 are allowable. Applicant also submits that objected-to claims 19, 20, 22 and 23, dependent on rejected claims 18 and 21, are also allowable.

Claim 18 recites a dual mode spreader that includes means for dropping spreadable material downwardly onto the surface to be treated, said means for dropping not utilizing said impeller to distribute said spreadable material. Claim 18 specifies a dual mode spreader--that is, one which can either broadcast or drop the spreadable material. As described in the specification, the two modes of operation are independent and distinct from each other--spreadable material to be broadcast does not pass through the drop opening, and spreadable material to be dropped does not contact the impeller. The two modes are achievable simply by moving controls on the spreader.

Applicant respectfully submits that Amarine's shroud 31 does not meet the terms of this limitation. The Examiner's reading of the reference would have the user actually unbolt a shroud in order to utilize the device as a broadcast spreader, then bolt the shroud back on in order to use it as a drop spreader. The reference makes no mention of this possibility at all. The reference simply states that the shroud is bolted on--a normal description in a patent of how a structure or device is constructed, as is required by the patent laws. The reference makes no mention at all of dual modes of operation, or even of the existence of such a spreader. Applicant respectfully submits that therefore the Amarine reference would not suggest to one of ordinary skill in the art the possibility of using the spreader disclosed therein as a dual mode spreader--in fact, the need to actually

disassemble it in order to achieve that end would unconsciously keep the reader's thinking from going in that direction, and thus teaches away from the examiner's reading.

In addition, claim 18 requires that the means for dropping not utilize the impeller to distribute the spreadable material. In the Amarine reference, the spreadable material does not even reach the shroud unless it is first distributed there by the impeller.

Applicant respectfully submits that any reading of this language of claim 18 is so strained as to be unreadable and therefore is not correct.

Thus, there is no suggestion in Amarine of a dual mode spreader in which the means for dropping does not utilize the impeller to distribute the spreadable material. Accordingly, claim 18 is not obvious in view of Amarine, and the rejection of claim 18 is requested to be withdrawn.

Independent Claim 21 recites a dual mode spreader that includes means for broadcasting spreadable material onto a surface, and means for dropping spreadable material downwardly onto the surface, said means for dropping being independent from said broadcasting means. Applicant respectfully submits that Amarine's shroud 31 does not meet the terms of this limitation. As discussed above with reference to claim 18, applicant's device is a dual mode spreader, and Amarine's device is not. Amarine's device must be dissembled to perform this way. The two modes of operation in applicant's device are independent and distinct from each other--spreadable material to be broadcast does not pass through the drop opening, and spreadable material to be dropped does not contact the impeller. The two modes are achievable simply by moving one or more controls on the spreader. No reasonable reading of Amarine would provide one of ordinary skill in the art with the concept of a single spreader having dropping

means independent from broadcasting means. Accordingly, claim 21 is not obvious in view of Amarine, and the rejection of claim 21 is requested to be withdrawn.

Applicant also submits that new claims 24-27 are allowable.

New claim 24 defines a dual mode spreader as set forth in claim 21 wherein the at least one discharge opening comprises a first discharge opening for enabling flow of spreadable material into association with the means for broadcasting spreadable material, and a second discharge opening for enabling flow of spreadable material into association with the means for dropping spreadable material. The Amarine reference does not have these two separate discharge openings. No reasonable reading of Amarine would provide one of ordinary skill in the art with the concept of a single spreader having dropping means independent from broadcasting means and two discharge openings associated respectively therewith. Accordingly, claim 24 is submitted to be allowable.

New independent claim 25 defines a dual mode spreader for spreading spreadable material, comprising a hopper to hold a supply of spreadable material. A first discharge opening is located within the hopper through which spreadable material can flow. An impeller is mounted in a position below the hopper for rotational movement. The spreader has a first material flow path including the first discharge opening and the impeller to enable the spreadable material in the hopper to exit the hopper and to be broadcast by the impeller. A second discharge opening is located within the hopper through which spreadable material can flow. The spreader has a second material flow path different from the first material flow path and including the second discharge opening to enable the spreadable material in the hopper to exit the hopper and to be dropped rather than broadcast.

The structure defined by claim 25 is neither shown in nor suggested by the references. The references do not disclose or suggest a dual mode spreader having two discharge openings leading into two different flow paths, one of which includes an impeller. This structure is clearly specified in claim 25, and so claim 25 is allowable. Also allowable are new claims 26, which specifies that the second material flow path does not include the impeller, and claim 27, which specifies that the second material flow path includes a diffuser.

For the foregoing reasons, applicant submits that this application is now in condition for allowance, and notice to that effect is respectfully requested.

Respectfully submitted,

Date: 2-18-04

By: Paul E. Szabo
Paul E. Szabo (Reg. No. 30,429)
(216) 622-8578